

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

LUIS ALONSO MURILLO-	§	
ALVARENGA,	§	
Petitioner	§	A-23-CR-17-RP
v.	§	A-24-CV-1266-RP-ML
 	§	
UNITED STATES OF AMERICA,	§	
Respondent.	§	

ORDER

This case was referred to the undersigned for a Report and Recommendation to the District Judge on Petitioner's Motion Under § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody (Dkt. 46). Petitioner claims his trial counsel failed to file a timely notice of appeal as he requested. This issue requires a factual hearing.

Although Petitioner was previously represented by retained counsel, the court now **APPOINTS** E. Alan Bennett to represent Petitioner. At this hearing, Petitioner—and any witnesses he may produce—will have the opportunity to testify, under penalty of perjury, regarding defense counsel's alleged failure to file a requested appeal in his criminal case.

Accordingly, **IT IS ORDERED** that an evidentiary hearing in this case is set for **Thursday, March 27, 2025, at 9:00 a.m.** in the United States Courthouse, Courtroom 8, 501 West Fifth Street, Austin, Texas 78701. Luis Alonso Murillo-Alvarenga, prisoner number 09887-510, is currently incarcerated at FCI Oakdale II, Oakdale, LA, but will be brought to Austin by the United States Marshals Service **no later than March 21, 2025.**

IT IS FURTHER ORDERED that E. Alan Bennett is appointed (CJA) for the purpose of serving as the attorney for Petitioner at the evidentiary hearing. The Clerk of Court shall provide a copy of this Order to E. Alan Bennett at

2601 Gholson Road
Waco, TX 76704
254-757-5047
Email: alan.bennett@co.mclennan.tx.us.

IT IS FURTHER ORDERED that the Clerk of Court shall also provide a copy of this Order to Petitioner, the United States Marshals Service, and the Assistant United States Attorney.

IT IS LASTLY ORDERED that the hearing will be limited to Petitioner's ineffective assistance of counsel claim based on his allegations that his trial counsel failed to file a timely notice of appeal as he requested.

SIGNED February 5, 2025.



MARK LANE
UNITED STATES MAGISTRATE JUDGE